DOCKET FILE COPY ORIGINAL

NATIONAL ASSOCIATION OF THE DEAF

814 THAYER AVENUE • SILVER SPRING, MARYLAND • 20910-4500
HEADQUARTERS: 301-587-1788 VOICE • 301-587-1789 TTY • 301-587-1791 FAX
BOOKSTORE: 301-587-6282 VOICE • 301-587-6283 TTY • 301-587-4873 FAX

April 30, 1997

RECEIVED
APR 30 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Comments in the Matter of
The Use of N11 Codes and Other
Abbreviated Dialing Arrangements
CC Docket No. 92-105

Dear Mr. Caton:

Enclosed herewith are one original plus twelve copies of the Reply Comments of the National Association of the Deaf in the above captioned proceeding.

Sincerely,

Karen Peltz Strauss

Karen Peltz Strauss
Legal Counsel for Telecommunications Policy

Enclosures

cc: ITS
Janice Myles
Gloria Shambley (diskette)

No. of Copies rec'd 0+12
List A B C D E

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of	)	
	)	
The Use of N11 Codes and Other	)	CC Docket No. 92-105
Abbreviated Dialing Arrangements	)	

REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF THE DEAF

Karen Peltz Strauss
Legal Counsel for Telecommunications Policy
National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 20910-4500
(301) 587-1788 Voice
(301) 587-1789 TTY

April 30, 1997

SUMMARY

Consumers and industry alike overwhelmingly support use of 711 for access to nationwide relay services. So that consumers can benefit from 711 access promptly and effectively, the National Association of the Deaf proposes implementation of the 711 code in three stages. First, because it is not difficult to translate the N11 code to a seven or ten digit number, 711 access should be implemented for access to state approved TRS providers within twelve to eighteen months. Second, 711 access to multiple vendors should be accomplished within the Commission's proposed three year period, by allowing consumers to preselect their TRS provider. Such individuals should, however, retain the ability to route their calls around that provider through an alternative relay code. Third, a gateway which enables consumers to access specialized relay services, such as video relay interpreting or speech to speech services, as well as one which would enable consumers to dial around their preselected provider, should be created, when technically feasible, for maximum consumer choice. This can be developed cooperatively through an FCC sponsored forum or committee made up of consumer and industry representatives.

Both voice and text access should be provided through the 711 code, so long as access through a single number does not create post dial delay. Several states already use a single number and meet the Commission's minimum standard for call set up time; arguments to the contrary should be supported by concrete evidence, rather than speculation, about call set up times for one or more access codes.

In order to ensure the successful application of 711 access, the FCC should require comprehensive education and outreach on the existence and use of this code. In addition, the FCC's final rules on 711 should be specific in requiring abbreviated access to TRS via wireless communications services. Finally, the costs of implementing 711 should be recovered through base rate mechanisms, in a manner that does not overtly or subtly discriminate against individuals who are deaf, hard of hearing, or speech disabled.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of	)	
	)	
The Use of N11 Codes and Other	)	CC Docket No. 92-105
Abbreviated Dialing Arrangements	)	

REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF THE DEAF

The National Association of the Deaf (NAD) respectfully submits these reply comments to the Commission's First Report and Order and Further Notice of Proposed Rulemaking (First Report and Order and FNPRM) in the above referenced proceeding on the use of N11 codes. Support for the decision by the Federal Communications Commission (FCC or Commission) to assign the 711 code for nationwide access to telecommunications relay services (TRS) was overwhelming in comments submitted in this proceeding. Consumers embraced the decision with "enthusiasm" and "jubilation," see Comments of Telecommunications for the Deaf, Inc. (TDI)[1]; see also Comments of David Nelson, and common carriers and TRS providers alike greeted the decision with considerable support. See e.g., Comments of GTE[2], Ameritech, the United States

[1] The need for a uniform TRS access code is perhaps most dramatically illustrated by TDI's description of the 116 separate numbers that are needed to access relay services across the United States. Comments of TDI at 3 n.2. The logistical nightmare of accessing TRS through these various numbers while travelling is staggering.

[2] GTE, which has already implemented a similarly abbreviated access code, 1+711, reported that the use of such code has been "very successful" in the state of Hawaii. Comments of GTE at 2.

Telephone Association (USTA); MCI, and AT&T. Indeed, while certain questions were raised with respect to the technical capability of using this number for access to multiple TRS providers, not a single commenter opposed the decision to assign the 711 code for TRS, and virtually all agreed that implementation of this access code could occur within the FCC's proposed three year time frame in order to access single vendor relay services.

I. Implementation of the 711 Access Code Should Take Place in Three Stages

A. Access to Single TRS Providers in a Given Calling Area Should be Required Within Twelve to Eighteen Months of the Commission's First Report and Order and FNPRM

In its First Report and Order and FNPRM, the FCC requested comment on its proposal to implement 711 relay access within three years. Comments submitted in response to this inquiry confirmed that implementation of this code for accessing a single TRS provider in a specified geographical location could be accomplished with ease. Specifically, parties to this proceeding reported that it is technically feasible for central office switches within a certain calling area to translate the N11 code to either a POTS seven digit or ten digit number, or to an 800/888 number, and then have the calls routed to the TRS vendor chosen for that calling area. See e.g., Comments of BellSouth at 3; Comments of GTE at 5; Bell Atlantic/NYNEX at 1; Southwestern Bell Telephone Company (SWBT) at 3, USTA at 2. Indeed, Ameritech noted that such access can be implemented at a reasonable cost, "without the need to develop new arrangements or software, to deploy a significant amount of new equipment, or to make major network reconfigurations." Comments of Ameritech at 4-5. Similarly, the Pacific Telesis Group (Pacific) commented that "it will be relatively easy to design 711 to permit a customer to dial those digits and be connected to the state-approved TRS provider." Comments of Pacific at 2. Finally, GTE stated that the implementation of its N11 codes in Hawaii "incurred minor costs and was

completed in a relatively short time." Comments of GTE at 3.[3] Moreover, MCI reported that use of 711 for TRS access is "not an issue," and that even where a local service provider may not have the switching capability to route TRS calls made through 711 dialing, "this hurdle is easily overcome . . . by either reprogramming the switches or by use of a remote call forwarding mechanism to route a call to the proper location, without it even touching the service provider's actual switch. The end office serving the user could then route the call to the appropriate access tandem." Comments of MCI at 3. Finally, US West simply concluded that "[d]eploying switch-based 711 dialing to TRS centers would be feasible in virtually all switches today." Comments of US West at 3.

The comments summarized above demonstrate that implementation of the 711 code for access to single TRS providers need not wait a full three years. Indeed, parties raised no concerns whatsoever about implementing this code for *single* provider access. Rather, concerns with the timing of the FCC's Order focused solely on accessing *multiple* providers through 711. See e.g., Comments of SWBT at 3. The fact remains that, at present, all but one of the local relay services in the United States are still provided by relay vendors that have been chosen through individual

[3] We acknowledge the fact that GTE's swift implementation was due, in part to the fact that GTE chose to use a dialing pattern that works with its existing end office switches. Comments of GTE at 3. GTE urges the FCC to allow states which still lack the technical capability for routing N11 numbers to use 1+ 711 for relay access. While we applaud GTE for having boldly taken the first step toward 711 access several years ago, we are concerned that such an alternate code may cause confusion for consumers who may be able to access TRS via 711 in one state, but who will need to dial the "1" prefix in other states. Indeed, GTE itself notes that a benefit of having a uniform N11 code is to enable consumers to use the same numbers when travelling from state to state, and notes that this is "especially significant for those with speech and hearing disabilities who may not have the number ready at hand and would find it difficult to obtain." Comments of GTE at 4. At most, then, 1+ N11 should be used as an interim measure only until, but not after, the effective date for the implementation of 711.

state contracts. Given the overarching need for abbreviated dialing - as documented time and again in this and prior stages of this proceeding - and the technical capability of meeting that need for state selected providers within a relatively short time, the Commission should require implementation of the 711 code for access to single TRS providers to take place twelve to eighteen months after the Commission's First Report and Order. As will be shown below, a later implementation date for 711 access could be established for access to multiple vendors.[4]

B. Access to Multiple TRS Providers Should Be Required within Three Years.

Notwithstanding the fact that all but one of the local relay services continue to follow the "one relay provider/one calling area" paradigm, both consumers and industry are eager to see increased competition among relay providers and to have consumers to choose their own service providers on an individualized basis. Increased competition can open the door to new product and services innovation and improved relay quality. Based on the comments submitted in the first round of this FNPRM, it appears that the most expedient way to accomplish competition in the near future is through presubscription to one's preferred relay provider, much in the same fashion

[4] AT&T requests that the Commission not establish any schedule for the implementation of 711 and urges the Commission to instead "periodically . . . monitor technical and other marketplace developments that may affect the eventual deployment of a single number 711 access, until a sufficient body of knowledge is available regarding the technical feasibility of that procedure." Comments of AT&T at 4-5. Were the Commission to follow this advice, TRS consumers would have no assurances of ever accessing TRS through the 711 code. Indeed, AT&T itself notes that the Commission has followed this approach with respect to access to relay services through coin sent-paid calls. In fact, however, industry has informed consumers that no technological solution is available or is expected to ever become available to handle coin sent-paid relay traffic. Without a fixed date for the implementation of 711 access, the NAD is concerned that such access will share the same fate as coin sent-paid relay calls.

that subscribers preselect their long distance carriers.[5] Commenters to this proceeding reported that routing all 711 calls from a subscriber's telephone to the subscriber's preferred TRS provider can be accomplished through a database query initiated by an Advanced Intelligent Network (AIN). The query response would contain an 800 routing number that would correspond to the relay user's preselected provider, and the call would then be routed to that provider. US West has reported that use of an AIN-based solution is feasible for most switches, and has further explained that offices without AIN capability can route their 711 calls to a tandem that has this capability. Comments of US West at 3 n.3; SWBT at 5. Given these facts, it is reasonable to assume that use of 711 to preselect one's relay provider can be accomplished within the three year period set forth in the FCC's First Report and Order and FNPRM.

SWBT raises the concern that if providers are selected on a line-by-line basis, a relay user will be required to use the provider designated for a specific telephone rather than be able to choose his or her own provider. Comments of SWBT at 4. The NAD submits that when relay consumers are away from their home or office, they should have the option of dialing a different number or additional code to reach a particular provider, much in the same way that the public now has the opportunity to "dial around" to one's long distance carrier of choice through a 10XXX or similar code (i.e., through a calling card). See Comments of US West at 6-7; Sprint at 3 n.2. MCI similarly proposes a scenario whereby consumers would retain the option of specifying their TRS providers through a 10XXX code. Comments of MCI at 4. Specifically, MCI proposes that 711 would be the first 3 digits, followed by the choice of vendor in the fourth

[5] The presubscription of one's relay service provider should not, however, automatically be tied to one's chosen long distance carrier. Consumers may prefer the particular features of one provider
Footnote cont'd on next page

digit, and the type of relay service (text, voice, etc.) in the fifth digit. Id. So long as a consumer would be able to preselect a provider which is directly accessible through the three digit 711 code, we agree that MCI's proposal may offer an effective means of ensuring choice for the consumer who is away from home or for one who has not preselected a relay carrier.

SWBT complains that presubscription to TRS providers would require a survey of each and every telephone subscriber. [6] Comments of SWBT at 4. In fact, however, there will be individuals who rarely use the relay service and who will not be likely to choose their own provider. In these instances, and in places of public accommodation (hotels, hospitals, transportation terminals, etc.), relay calls would simply be routed to the vendor who has successfully won the state relay contract. On this point, we agree with MCI that randomly distributing TRS calls to various service providers would be an ineffective means of handling these calls. As MCI notes, if calls are randomly routed to TRS providers, there will be no incentive for providers handling these calls to improve service quality. Comments of MCI at 3-4.

By enabling consumers to presubscribe to their preferred relay provider, yet retain the capability of accessing a different provider when away from their "preselected phone," competition among TRS providers would thus be preserved in several ways:

- Relay providers would compete for individual consumer "presubscriptions" to their services;
- Relay providers would compete for business from consumers who are away from their "preselected phone," as these consumers would be able to dial either one of the currently existing national 800 numbers or an alternative relay code, such as a five digit code, to access a different vendor; and

---

for relay use and those of a different carrier for long distance service.

[6] We note here that education about the existence of relay services has been woefully inadequate for the general public and that such a survey would have the significant benefit of acquainting more of the American public with the use of these services.

- Relay providers would continue to compete for state or regional contracts, and serve as the "default" TRS vendor for those regions. This would enable travellers to simply dial 711 and be assured access to relay services.

C. A Consumer-Industry Forum Should Be Established for Gateway Access

Comments in this proceeding raised another means of accessing multiple TRS providers: through a gateway that would enable individuals to choose providers on a call-by-call basis. While this would offer users the greatest amount of choice, it could also potentially extend the time for call hook up beyond the time mandated in the Commission's minimum TRS standards. Moreover, having to go through an extensive menu each time one needs to place an ordinary relay call is likely to prove too burdensome for consumers. Accord US West at 8; Ameritech at 7. At present, then, the ability to presubscribe to one's chosen vendor would afford the greatest means for encouraging TRS competition with the least amount of disruption to the relay users. [7]

While presubscription may be the preferred approach with respect to basic relay services, the benefits of having a gateway for niche or expanded relay services, as well as other services relating to telecommunications access, are indisputable. For example, in the future, a gateway could be used to route calls to video relay interpreting services, speech to speech relay services, and operator services for TTY users. Similarly, in the future, a gateway may offer one means of allowing consumers to bypass their preselected provider for certain calls. We also agree with USTA that there may be other important disability services that should be accessed through a single gateway, but which have yet to be identified. Comments of USTA at 7. Accordingly, we urge the creation of an FCC sponsored ad hoc committee or a series of forums in which industry

[7] It would appear that similar reasoning was used in the decision to implement the simplicity of "dial 1" long distance service.

can share information about the standards and protocols needed for the creation of a gateway and in which consumers can provide information about the telecommunications needs they wish this gateway to serve.

II. Both Voice and Text Access Should be Available through 711, if Access Through a Single Number Does Not Impair Relay Service Quality

A number of parties raised concerns about whether use of the 711 code for both voice and TTY access would create difficulties for providers having to meet the FCC's requirement for eighty-five percent of all TRS calls to be answered within 10 seconds. See e.g., Comments of MCI at 2 (if only one number is available, 70% of users would have to wait an additional 5 to 10 seconds for the CA to answer the call.); Bell Atlantic/NYNEX at 1 (proposes 711 for text only to avoid unacceptable call set-up delay and operator confusion.); AT&T at 3-4 (a platform that identifies the transmission parameters of each incoming call would add substantially to call set-up time).

While the NAD also opposes any rule that would create additional post dial delay, we question whether, in fact, use of the 711 code for both text and voice would interfere with compliance with the "eighty-five percent/ten second" response time standard. Specifically, TDI has reported that eight states, Kansas, Maryland, Michigan, New Hampshire, Ohio, South Carolina, South Dakota, and Wisconsin, already use single numbers for both TTY and voice users to access TRS. Comments of TDI at 3 n.2. Ameritech confirms this fact for its two states, Michigan and Ohio, and notes that it "is aware of no technical reason why access to both voice and text TRS through 711 is infeasible." Comments of Ameritech at 8. GTE too, admits that "[s]ome TRS providers may have the capability to perform this differentiation, thereby making only one code necessary." Comments of GTE at 3 n.4.

In its comments, TDI also noted that one of the purposes of abbreviated access to TRS is to remove a "disincentive for hearing people to place TRS calls to deaf, hard of hearing, and speech disabled people." Comments of TDI at 4. Indeed, the continued reluctance of the hearing public to use relay services was recently documented in a separate Commission proceeding on TRS. In the Matter of Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996, Notice of Inquiry, CC Docket No. 90-571 (released January 14, 1997). Because many hearing individuals are not fully acquainted with relay services, they do not know where to turn when trying to ascertain a relay telephone access number. Such individuals do not purchase TTY directories; nor are they aware that these numbers change from state to state. By eliminating the difficulties encountered in trying to ascertain relay service numbers, and by facilitating dialing to reach these services, 711 access would contribute to a greater acceptance of TRS by the general public.

The NAD thus proposes that 711 be used for both voice and text access under the present response time standard. We make this recommendation because (1) several states already are able to meet the FCC's minimum standards using one access number, and (2) the benefits in using an abbreviated number are significant with respect to expanding the use of TRS among the hearing public. Any arguments to the contrary - i.e., that the methods needed to differentiate between incoming protocols will unacceptably delay call set up - should be backed by solid evidence before the FCC takes them into consideration in determining the scope of 711 access.

III. Adequate Education and Outreach on the 711 Access Code Will be Needed

In order for the 711 access code to be a success, TRS providers and common carriers will need to provide extensive information to the public about the existence of this new code. Other parties to this proceeding also see the need for distribution of this type of information. See generally Comments of USTA at 4 (outreach and educational efforts should be "thorough and far-reaching"); BellSouth at 6 (education about the routing of Commercial Mobile Radio Services TRS calls is needed). As is true for all TRS education and outreach efforts, such information should be provided through mainstream media, including newspaper, radio, and television advertisements, as well as publications and conferences of deaf, hard of hearing and speech disabled populations. In addition, information about the existence of the 711 code should be provided in telephone bill inserts and other publications distributed to telephone subscribers.

IV. Access to TRS via Wireless Services Should be Available Using 711

A few commenters in this proceeding raised issues about the manner in which 711 access can be used for wireless services. Because Commercial Mobile Radio Services (CMRS) areas cross the boundaries of more than one state, commenters raised the issue of where 711 calls should be directed when carried over these services.[8] Regardless of how that issue is resolved,

[8] The Cellular Telecommunications Industry Association (CTIA) notes that the Commission's E911 rules will require wireless providers to determine the location of the base station or cell site receiving a 911 call and to provide that information to specific Public Safety Answering Points. Comments of CTIA at 6 n.14, citing to Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, FCC 96-264, Report and Order and Further Notice of Proposed Rulemaking at 11 (released July 26, 1996). When this can be achieved, it should be easier to direct a 711 call to the relay vendor of the state in which the 711 call was initiated.

the FCC should make clear that wireless services must be able to handle TRS traffic via 711. Ameritech and BellSouth correctly note that the solutions now being developed to handle TTY calls over wireless services to enhanced 911 services should similarly make possible the completion of TTY calls over wireless services to TRS centers via 711. Comments of Ameritech at 7; BellSouth at 7. Similarly, US West indicates that it has the capability to route 711 calls through its personal communications services if such calls are sent to a preselected TRS provider. Comments of US West at 4. These comments demonstrate that carriage of 711 calls to relay centers via wireless telecommunications services is feasible, and should specifically be mandated in the FCC's final rules on 711.

V. The Costs of Implementing 711 Should be Incorporated into Other Recoverable Relay Costs.

A number of parties raised concerns about the costs that will be incurred to perform the switch translations necessary to implement the Commission's 711 Order. See e.g., Comments of Pacific at 3; SWBT at 5. USTA at 3; BellSouth at 6. We agree with TDI that such costs should be recovered through mechanisms that spread those costs evenly among telephone subscribers, in a fashion that does not "overtly or subtly stigmatize the principal beneficiary population of deaf, hard of hearing, and speech disabled people. . ." Comments of TDI at 7. This is consistent with legislative intent on this issue,[9] and with current practice with respect to the recovery of other relay costs within the state relay programs. This can best be accomplished through recovery of these costs through base rate mechanisms, as these mechanisms do not "single out" relay services

[9] The House Committee on Title IV of the ADA made clear that "any funding mechanism [should]not be labeled so as to prejudice or offend the public," especially individuals with hearing or speech disabilities." H. Rep. No. 485, 101st Cong., 2d Sess. Pt. 2 at 68 (1990).

for a special surcharge apart from other telephone service costs.

VI. Conclusion

We thank the Commission for the opportunity to submit these comments and urge prompt action to make 711 access a reality for all TRS users.

Respectfully submitted,

Karen Peltz Strauss

Karen Peltz Strauss
Legal Counsel for Telecommunications Policy
National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 20910-4500
(301) 587-1788 Voice
(301) 587-1789 TTY

April 30, 1997